IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :
THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 1348 of 2005(I)

PETITIONERS:

1. M. ASMABI, LOWER DIVISION CLERK,
P.H. DIVISION, KERALA WATER AUTHORITY,
KALMANDAPAM, PALAKKAD.

2. P. SETHUMADHAVAN, LOWER DIVISION CLERK
P.H. SUB DIVISION, KERALA WATER AUTHORITY,
MOOTHANTHATA, PALAKKAD.

3. C. VASU, LASCAR, P.H.I.P.D. SECTION
KERALA WATER AUTHORITY, MOOTHANTHARA,
PALAKKAD.

4. K.K. MONY, LASCAR, P.H.I.P.D. SECTION
KERALA WATER AUTHORITY, MOOTHANTHARA,
PALAKKAD.

5. V. BALAKRISHNAN, PEON,
P.H. SUB DIVISION, KERALA WATER AUTHORITY,
MOOTHANTHARA, PALAKKAD.

6. C. KITTUNNI, DRIVER,
OFFICE OF THE SUPERINTENDING ENGINEER,
P.H. CIRCLE, KERALA WATER AUTHORITY,
KALMANDAPAM, PALAKKAD.

BY ADV. SRI.H.BADARUDDIN

RESPONDENTS:

1. THE MANAGING DIRECTOR, KERALA WATER
AUTHORITY, TRIVANDRUM.

2. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
TRIVANDRUM.

3. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY,
PATTOM, TRIVANDRUM.

BY ADV. SRI.M.V.MATHAI MUTHIRENTHY, SC, KWA
SRI.P.C.SASIDHARAN, SC, KPSC
SRI.C.RASHEED, SC, KWA
SRI.C.UNNIKRISHNAN, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 1348 of 2005

APPENDIX

PETITIONERS' EXHIBITS:

EXHIBIT-P1: TRUE COPY OF PROCEEDINGS OF THE MANAGING DIRECTOR NO.KWA/JB/E1-4505/2001 DATED 26.9.2001

EXHIBIT-P2: TRUE COPY OF LETTER NO.KWA/JB/E1/627/2000 ISSUED BY KERALA WATER AUTHORITY DATED 29.3.2003

EXHIBIT-P3: TRUE COPY OF THE LETTER DATED 13.11.2006 ADDRESSED FROM THE ACCOUNTS OFFICER ESTABLISHMENT TO THE EXECUTIVE ENGINEER, PH DIVISION, KERALA WATER AUTHORITY, PALAKKAD.

EXHIBIT-P4: TRUE COPY OF THE REPRESENTATION MADE BY THE 5TH PETITIONER BEFORE THE MANAGING DIRECTOR, KERALA WATER AUTHORITY DATED 4.6.2007

EXHIBIT-P5: TRUE COPY OF THE CIRCULAR DATED 25.1.97

EXHIBIT-P6: TRUE COPY OF THE LETTER DATED 21.6.2000

EXHIBIT-P7: TRUE COPY OF THE PROCEEDINGS DATED 26.9.2001

EXHIBIT-P8: TRUE COPY OF THE LETTER FROM THE OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER, PUBLIC HEALTH SUB DIVISION, PALAKKAD BY NO.E1-505/2006

/TRUE COPY/

K.BALAKRISHNAN NAIR,J.

WP(C)NO.1348 OF 2005-I

Judgment

The petitioners are employees of the Kerala Water Authority. They say, they entered service of the Water Authority as provisional hands before 01.10.1994 and all of them were regularised in service also, before the said date. If that be so, they are entitled to have their provisional service also reckoned for the purpose of grant of increments in the light of the Full Bench decision of this Court in ***State of Kerala v. Ponnamma*** (2005(4) KLT 987). If the claim of the petitioners regarding the date of regularisation/regular appointment and their provisional service, is correct, they are entitled to succeed. They may file separate representations before the 1st respondent, setting out their claim. In that event, the 1st respondent will consider and pass orders on them in accordance with law without delay. If they are found eligible, the benefits shall be extended to the retired hands also and the terminal benefits shall be revised correspondingly.

The Writ Petition is disposed of as above.

26.07.2007 **K.BALAKRISHNAN NAIR,JUDGE**

sta